

Application No. 10/070,401

Title: GRAPHICAL USER INTERFACE AND METHOD RELATED THERETO

Amendment responsive to Office Action dated: December 17, 2004

**Remarks**

Applicant courteously requests entry and favorable consideration of this amendment submitted after the final rejection pursuant to Rule 1.116. Applicant earnestly submits that this amendment will place the application in favorable condition for allowance by addressing the matters of form set forth in paragraph 1 of the office action, or if necessary, in condition for appeal. It is also believed that any matters of substance addressed by this response are supported by good cause based on the construction of the references by the prior Office Action.

Claims 1-2, 6-16, and 18 remain in this application. Claims 1 and 15 are the only independent claims for consideration. In this regard, the claims now pending recited a single representation only of at least a part of a milking machine or of a cow present at the milking machine. The representation as now recited comprises objects, of which each represents an element of the at least part of the milking machine or of the cow present at the milking machine. This should aid in the reading of the claim by changing the term "part" as previously used to "element." Each object has a spatial location in relation to the other object(s), which correspond to the spatial location of the represented element in relation to the other element(s). Because the objects and the corresponding elements are recited in plural, the form "(s)" is used in the claims. If the number of objects or elements is two, then only one "other" exists, but if the number is three or more, then the "other" is plural. Note also that the term "dairy farm" has been removed from the claims. Further, dependent claims 2-4 have been amended or are cancelled to be in conformity with claim 1.

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In the prior Office Action of June 14, the principal references were to U.S. Patent No. 5,897,619 to Hargrove, Jr. et al. alone or in combination with U.S. Patent No. 5,704,311 to van den Berg. The examiner has asserted that the use of "a part thereof" as used in the claims could be read to mean a part of a dairy farm. The examiner has focused on the word "farm", with the farm of Hargrove hypothecated to be a part of a dairy farm system. In reality, the term "a part thereof" was used to define a part of the milking machine or of the cow, and a part of the dairy farm could not be read on this terminology.

As noted above, to avoid any such misconstruction of the phrasing, the term "dairy farm" has been removed from the claims. Currently amended claim 1 recites a graphical user interface provided for the monitoring and/or controlling of a milking machine by a human user, where the graphical user interface comprises at least one computer based graphical and schematic representation of at least a part of the milking machine or of a cow present at the milking machine. Thus, the earlier construction of the claim as set forth in the prior Office Action has been rendered moot. It is earnestly submitted that the Hargrove patent cannot be read as anticipating the claims now presented.

Furthermore, with regard to claim 10, Applicant respectfully requests reconsideration of the rejection under §103 based on the hypothetical combination of Hargrove in view of van den Berg. The examiner states that van den Berg, in claim 43 thereof, teaches the use of a computer with a display to track animals in and out of the gates. Applicant submits that van den Berg does not teach such a use of a computer with the further teaching or suggestion of a combination with Hargrove.

Claim 43 of van den Berg teaches a display screen associated with a computer in the vicinity of the milking apparatus for visibly depicting data files for the animals to be milked by the apparatus.

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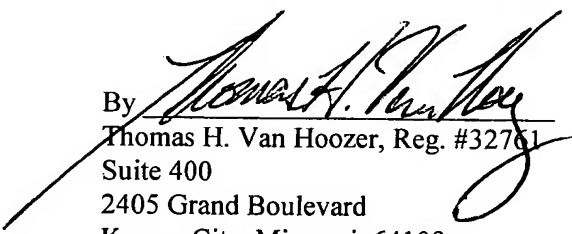
Each of the data files is stored by the computer and is updated each time an animal is identified. Elsewhere, van den Berg teaches that recorded in this file, among other things, is how much time is elapsed since the previous milking turn for the cow. Claims 31-36 of van den Berg teach that the computer includes means for opening and closing a gate. However, van den Berg certainly does not teach the use of a computer with a display to track animals in and out of the gates. Particularly, van den Berg fails to disclose a graphical user interface comprising schematic representations of an entry gate and of an exit gate.

It is thus respectfully submitted that this amendment places all of the claims in condition for allowance, and further and favorable consideration and early issuance of the Notice of Allowance is courteously requested. Should the examiner have any questions which may be resolved by a telephone conference, they may be addressed to the undersigned at 1-800-445-3460. Any additional fee necessitated by this amendment may be charged to deposit account 19-0522.

Respectfully submitted,

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